

The article was alleged to be adulterated in that it contained fecal *B. coli* and consisted in whole or in part of a filthy animal substance.

On May 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26258. Adulteration of crab meat. U. S. v. 3 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37789. Sample no. 53237-B.)

This case involved a shipment of canned crab meat that contained fecal *B. coli*.

On May 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels each containing one hundred and four 1-pound cans of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 4, 1936, by S. L. Lewis from Brunswick, Ga., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On May 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26259. Adulteration of crab meat. U. S. v. 3 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37796. Sample no. 53230-B.)

This case involved an interstate shipment of crab meat that was contaminated with *Bacillus coli*.

On May 4, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 2, 1936, by W. G. Ruark & Son, from Port Royal, S. C., and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On May 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26260. Adulteration of crab meat. U. S. v. 46 Tins, 11 Tins, and 17 Tins of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 37792, 37793, 37794. Sample nos. 52999-B, 53210-B, 53211-B.)

These cases involved interstate shipments of crab meat that was polluted.

The United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court on April 28, 1936, a libel praying seizure and condemnation of 46 tins, and on May 1, 1936, two libels praying seizure and condemnation of 11 tins and 17 tins of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about April 25 and April 27, 1936, by Philip Amara, from Jacksonville, Fla., and that the article was adulterated in violation of the Food and Drugs Act. The article in one of the three lots was labeled: "Regular Lump Crabmeat Net Weight 1 Lb." The article in the other two lots was labeled: "Back Fin Lump Crabmeat Net Weight 1 Lb."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 1, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26261. Adulteration of crab meat. U. S. v. 3 Barrels, 2 Barrels, and 2 Barrels of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 37795, 37836, 37837. Sample nos. 53235-B, 53245-B, 53246-B.)

These cases involved interstate shipments of crab meat that was contaminated with fecal *Bacillus coli*.

On May 7, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of three barrels of crab meat at Philadelphia, Pa., and on May 9 and 23, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of four barrels of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 4 and 5, 1936, by S. L. Lewis from Brunswick, Ga., and that they were adulterated in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted of a filthy animal substance.

On May 23 and 27, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26262. Misbranding of beer. U. S. v. 180 Cases of Beer. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37797. Sample no. 68537-B.)

This case involved an interstate shipment of beer that contained less alcohol than the percentage thereof represented on the label.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by the Superintendent of the Division of Foods, Fertilizers and Dairies, Department of Agriculture of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of 180 cases of beer at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 25, 1936, by the Terre Haute Brewing Co., from Terre Haute, Ind., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Champaign Velvet Beer Super Strong (not over 12½%—Proof Spirits)."

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser, because of the statement on the label, "Super Strong (not over 12½%—Proof Spirits)", when analysis showed that the article contained less than 5 percent of alcohol by weight.

On April 28, 1936, R. L. Wiles Distributing Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26263. Misbranding and alleged adulteration of beer. U. S. v. 200 Cases of Oertel's '92. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37798. Sample no. 68542-B.)

This case involved a shipment of beer that contained less alcohol than indicated on the labeling.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by an official of the Department of Agriculture of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of 200 cases of Oertel's '92 beer at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 6, 1936, by the Oertel Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Not to be sold where law forbids sale of High Alcoholic Beverages. Extra Strong."

The article was alleged to be adulterated in that a beverage containing less alcohol than should be found in an extra strong product had been substituted for the said article.

The article was alleged to be misbranded in that the statement, "Not to be sold where law forbids sale of High Alcoholic Beverages, Extra Strong", was deceptive and misleading since analysis showed that the product contained less than 5 percent of alcohol by weight.

On April 24, 1936, the Dixie Bottling Co., Nashville, Tenn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned. The decree provided for release of the product under bond for relabeling.

HARRY L. BROWN, *Acting Secretary of Agriculture.*